

**PATENT APPLICATION**

**RESPONSE UNDER 37 CFR §1.116  
EXPEDITED PROCEDURE  
TECHNOLOGY CENTER ART UNIT 3742**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yuji HORI et al.

Group Art Unit: 3742

Application No.: 10/770,464

Examiner: J. PELHAM

Filed: February 4, 2004

Docket No.: 118554

For: MULTI-FUNCTION PROCESSING APPARATUS

**REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the May 12, 2008 Final Rejection and July 10, 2008 personal interview, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 1 and 3-8 are pending.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Pelham in the July 10, 2008 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Claims 1 and 3-8 are rejected under 35 U.S.C. §103(a) over Nishijima (U.S. Patent No. 4,681,423) in view of Suehiro (U.S. Patent Application Publication No. 2003/0174355). The rejection is respectfully traversed.

Nishijima and Suehiro, alone or in a permissible combination, do not teach or render obvious every claimed feature of independent claim 1. Nishijima and Suehiro do not teach or

render obvious "a switching unit that switches a control processing that the fixing control unit performs between the first control processing and the second control processing," as recited in independent claim 1.

Nishijima merely relates to a copy machine that starts a (single) warm-up operation in response to either a key being pressed or the detection of an original recording medium (see Abstract of Nishijima). Indeed, the Office Action acknowledges that Nishijima only teaches a single processing mode (see Office Action, page 2). Thus, as argued during the personal interview, Nishijima does not teach or render obvious a switching unit that switches between two warm-up procedures. In fact, Nishijima does not teach a switching unit at all. Therefore, Nishijima does not teach or render obvious the switching unit of independent claim 1.

Suehiro does not remedy the above-described deficiencies of Nishijima. Suehiro is applied by the Office Action only for its alleged teaching of the second control processing mode (see Office Action, page 2).

Further, Nishijima and Suehiro cannot reasonably be combined because doing so would render both devices unsatisfactory for their intended purpose (see MPEP §2143.01(V)). Suehiro discloses a mode that starts a warm-up operation in response to a copy start instruction (see paragraphs [0065] and [0066] of Suehiro). However, Nishijima teaches a copy machine that starts a warm-up operation in response to a key operation or the detection of an original, and not in response to the starting of copying (see Abstract of Nishijima). In other words, Nishijima and Suehiro start warm-up at different times, and thus would conflict with one another if combined. Therefore, Nishijima and Suehiro cannot reasonably be combined, because doing so would render both devices unsatisfactory for their intended purpose (see MPEP §2143.01(V)).

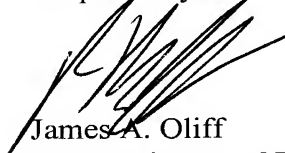
Therefore, for at least these reasons, independent claim 1 is patentable over the alleged combination of Nishijima and Suehiro. Claims 3-8, which depend from independent

claim 1, are also patentable over the applied references for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicants thus respectfully request withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: July 23, 2008

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